THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20919 OF 2006

DATED 13th OCTOBER, 2006

BETWEEN

Thoopili Surendranath Reddy and others

… Petitioners

and

The District Collector, Nellore, Nellore District and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20919 OF 2006

ORDER:

The petitioners are residents of Eeduru Bit-I village of Totapalli Gudur Mandal of Nellore District. They are allegedly owners of agricultural lands in survey Nos.517, 518, 525/A, 527 and 528, which they converted into fish tanks about two decades ago. According to the petitioners, the revenue officials or other authorities never raised any objection for such conversion. The petitioners also obtained necessary electricity connection and when there was threat of disconnection, they approached this Court and obtained orders of re-connection. The petitioners allege that on 04.10.2006, respondents issued press statement to the effect that all the fish ponds would be demolished as directed by this Court in W.P.No.9271 of 2005. They further allege that without issuing notice, respondents have started demolishing the fish ponds belonging to the neighbours. They, therefore, filed the present writ petition seeking a writ of Mandamus declaring the action of the respondents in demolishing the fish ponds in survey Nos. 517, 518, 525/A, 527 and 528, totally admeasuring Acs.16.48 cents as illegal and arbitrary.

At the stage of Admission itself, the Mandal Revenue Officer, the third respondent herein, filed counter affidavit. The following averments *inter alia* are made in the counter affidavit.

> It is submitted that on receipt of the Orders in W.P.No.9271 of 2005, the District Collector has got the tank bed lands inspected and observed that still prawn culture by some of the encroachers is being carried out and instructed the concerned Mandal Revenue Officer, Thotapalligudur, Revenue Divisional Officer, Nellore, Executive Engineer (PR), Nellore, Superintending Engineer (APTRANSCO), Nellore, to remove the ponds immediately and report compliance. Pursuant to the instructions of the District Collector, Nellore, the authorities have made proclamation in the village to remove fish/prawn ponds voluntarily by themselves on or before 7-10-2006 failing which their ponds would be removed on 8-10-2006. At this stage, the petitioners herein with an apprehension that the prawn ponds existing in their patta lands in Sy.Nos.517 etc., would also be removed, have filed the present Writ Petition before this Hon'ble Court. It is submitted that no notices were issued to the

petitioners herein, as their patta lands do not fall under F.T.L. As such the petitioners have no locus standi or cause of action to file the present writ petition.

It is further averred as under.

In reply to the averments made in paras 5 and 6 of the petitioners' affidavit it is submitted that the patta lands of the petitioners herein do not come under in Edur-Kodur tank bed land and as such no notices were issued to them to stop the activity of prawn culture in their patta lands. It is pertinent to mention that doing prawn culture in the patta lands without prior approval of the competent authority is prohibited as per the orders of this Hon'ble Court and the Hon'ble Supreme Court in several cases. Separate action is being initiated to stop the prawn culture of the petitioners as per law and after observing usual formalities. The contention of the petitioners that the 3rd respondent under the influence of ruling political party leaders is trying to dismantle their ponds along with the others is false.

In view of the above averments, which are not seriously disputed, the writ petition must be held to have been filed on apprehension without factual foundation. The respondents admitted that as and when action is initiated against those illegally dug fish ponds, notices would be given. The same is recorded.

The writ petition is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

13.10.2006.
pln